

REMARKS

Claims 1-27 are pending. Claims 12-27 stand as withdrawn. The abstract stands objected to because the form and legal phraseology often used in patent claims, such as "means" should be avoided. Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0277426 to Evans.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1-2 and 6-7 are amended. Claims 12-27 are cancelled. Claims 28-37 are added. Claims 1-11 and 28-37 remain in the case for consideration.

Claim 7 is amended to present the claim in independent form. The substance of claim 7 is unchanged from original claim 7.

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claim 1 is directed toward a method for using a mobile device, comprising: receiving a single signal from an access point in an environment; determining a strength for the single signal from the access point; comparing the signal strength with a threshold signal strength for the access point, the threshold signal strength for the access point stored in a storage on the mobile device; determining a location for the mobile device in the environment as the access point if the signal strength exceeds the threshold signal strength; and presenting data to a user on the mobile device, the data contingent on the location of the mobile device in an environment.

Claim 7 is directed toward a method for using a mobile device, comprising: receiving a single signal from an access point in an environment; determining a strength for the single signal from the access point; comparing the signal strength with a threshold signal strength for the access point, the threshold signal strength for the access point stored in a storage on the mobile device; determining a location for the mobile device in the environment as the access point if the signal strength exceeds the threshold signal strength; presenting data to a user on the mobile device, the data contingent on the location of the mobile device in an environment; and logging an activity of the mobile device.

In contrast, Evans teaches a system for locating a mobile unit. The mobile unit receives a multitude of signals and uses the multitude of signals to locate the mobile device.

According to ¶ 34 of Evans, "[a] low transmission power level P_{tx} , for example 0 dBm, and a high detection P_{det} , preferably -65 dBm, are selected so as to locate the mobile unit

accurately” In other words, Evans uses two signals to locate the mobile unit. This point is emphasized in all of the embodiments described in Evans. For example, ¶ 39 recites that “the access point 3_s transmits first and second beacon signals 24₁, 24₂ [t]he first signal 24₁ is transmitted at a high transmission power P₁ . . . and the second signal 24₂ is transmitted at a low transmission power P₂”. ¶ 40 recites that the mobile device “listens for signals in passive scanning mode, measuring received signal strengths and determining whether they exceed first and second signal detection thresholds P_A, P_B, respectively”. ¶¶ 45-46 repeats this point when describing the mobile device as moving between cells. ¶¶ 48-53 further elaborate on this concept, providing for more than two signals, so as to locating a particular ring in which the mobile device is located. ¶¶ 54-57 also recite multiple signals at different power levels.

Thus, in all of the embodiments described in Evans, the mobile device is receiving multiple signals. In contrast, claims 1 and 7 both recite the use of single signal to locate the mobile device. As the claimed invention describes the use of a mobile device using a single signal, Evans fails to teach or suggest the claimed invention, and claims 1 and 7 are patentable under 35 U.S.C. § 102(e) over Evans. Accordingly, claims 1 and 7 are allowable, as are dependent claims 2-6, 8-11, and 28-37.

Further, with regard to claim 7, the claim recites logging an activity of the mobile device. In rejecting claims 1 and 3-11, the Examiner only discusses specifically the features of claim 1. The Examiner summarily dismisses, without discussion, the specific features described in claims 3-11, rejecting these claims as anticipated by Evans without showing where Evans teaches the features of these claims. The Applicant submits that Evans does not recite, for example, the feature of logging an activity of the mobile device. The Applicant has discussed claim 7 specifically, but believes this same argument applies to all of claims 3-11. The Examiner has not properly rejected claims 3-11 under 35 U.S.C. § 102(e), and the Applicant believes these claims include features that distinguish the claimed invention over Evans. Accordingly, claims 3-11 are patentable under 35 U.S.C. § 102(e) over Evans, and claims 3-11 are allowable, as are dependent claims 30-32 and 36-37.

Claim 2 is directed toward a method according to claim 1, wherein: receiving a single signal includes receiving a plurality of signals from a plurality of access points in the

environment; determining a strength includes determining a strength for each signal from each access point; comparing the signal strength includes comparing the signal strength with a threshold signal strength for each access point, the threshold signal strength for the access point stored in a storage on the mobile device; and determining a location includes determining the location for the mobile device in the environment as a first access point with a highest signal strength for the first access point relative to a threshold signal strength for the first access point.

Claim 28 is directed toward a method according to claim 2, wherein receiving a plurality of signals from a plurality of access points in the environment includes receiving the plurality of signals from the plurality of access points in the environment, each of the plurality of signals capable of carrying the data.

Claim 29 is directed toward a method according to claim 28, further comprising accessing the data from a storage on a server from the mobile device using the signal with the highest signal strength.

Whereas claim 1 recites use of a mobile device with a single signal, claim 2 supports the concept of receiving multiple signals. Claim 28 further recites that each of these signals is capable of carrying data to and from the mobile device, and claim 29 further recites the signal with the highest signal strength is used, both to determine the location of the mobile device and to access the data from the storage on the server from the mobile device.

In contrast, with one exception, the embodiments of Evans all describe signals from a single access point. And in all of these embodiments, the coverage of the access points does not overlap. This can be inferred from FIG. 4 of Evans, which shows coverage from the access points as non-overlapping, and because Evans does not say that coverage could overlap.

The one exception to this rule of non-overlapping coverage is the embodiment described in ¶¶ 54-57 and shown in FIG. 11. In the embodiment of ¶¶ 54-57, the access points are divided into two groups. One group of access points (in the described embodiment of Evans, access point 3₃) is arranged so that each of the access points in this set “lies within coverage of at least one access point” of the other set (in the described embodiment of Evans, access points 3₁, 3₂, 3₃, and 3₄). “Thus, in the alternative configuration, the first set of access points can deliver service to the mobile unit 4, while the second set of access points may be used for location” (*see* Evans, ¶ 57). Evans is again distinguishing between signals that are used for location and signals used for communication between the mobile device and the access points. In fact, Evans goes even

further: not only does Evans differentiate between signals used to locate the mobile device and signals used to communicate, the access points are themselves even divided between access points used to locate the mobile device and access points used for communication. It is therefore inferable that the set of access points used to locate the mobile device in the embodiment of ¶¶ 54-57 of Evans are non-overlapping, just like the access points shown in FIG. 4 of Evans.

In contrast, the invention of claims 2, 28, and 29 do not include these limitations. According to claim 2, the mobile device “determin[es] a strength for each signal from each access point” and “determin[es] the location for the mobile device in the environment as a first access point with a highest signal strength”. There is no differentiating between access points for location and for communication. Further, claim 28 recites that “each of the plurality of signals capable of carrying the data”: in other words, the same signals can be used for location and communication. Claim 29 elaborates on this point, using a signal for both location and communication. Evans teaches away from using signals for both location and communication in all embodiments, even the embodiment of ¶¶ 54-57.

As Evans does not teach receiving signals used to locate a mobile device from multiple access points or signals capable of both location and communication, claims 2, 28, and 29 are patentable under 35 U.S.C. § 102(e) over Evans. Accordingly, claims 2, 28, and 29 are allowable.

Claim 33 is directed toward a method according to claim 1, further comprising receiving an annotation from the user.

Claim 34 is directed toward a method according to claim 33, wherein receiving an annotation includes associating the annotation with the location of the mobile device.

Claim 35 is directed toward a method according to claim 34, further comprising making the annotation available to a second mobile device in the location.

Claim 36 is directed toward a method according to claim 8, wherein logging an input to the mobile device by the user includes associating the input with the location of the mobile device.

Claim 37 is directed toward a method according to claim 36, further comprising making the input available to a second mobile device in the location.

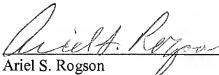
Claims 33-37 all describe input from the user: in claim 33, the input is described as an annotation. Claims 34 and 36 also recite that the input is associated with the location of the mobile device. Claims 35 and 37 recite that the input is available to a second mobile device in the location. Support for claims 33-37 can be found, for example, on page 3, lines 23-30 of the specification.

Nowhere does Evans teach or suggest the concept of users leaving annotations for other users to access based on the location. As such, claims 33-37 are all patentable under 35 U.S.C. § 102(e) over Evans, and are therefore allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-11 and 28-37 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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